

ATTACHMENT A

Statement of Facts- Carlos Roberto Tejada-Cruz

The United States and the Defendant stipulate and agree that if this case proceeded to trial, the United States would prove the facts set forth below beyond a reasonable doubt. They further stipulate and agree that these are not all of the facts that the United States would prove if this case proceeded to trial.

La Mara Salvatrucha, a/k/a the MS-13 gang ("MS-13"), is a gang composed primarily of immigrants or descendants of immigrants from El Salvador, with members operating in the State of Maryland, including Montgomery County and Prince George's County, and throughout the United States. In the United States, MS-13 has been functioning since at least the 1980s. MS-13 originated in Los Angeles, California, where MS-13 members banded together for protection against the larger Mexican groups. MS-13 evolved into a gang that engaged in turf wars for the control of drug distribution locations. MS-13 quickly spread to states across the country, including Maryland. MS-13 is a national and international criminal organization and is one of the largest street gangs in the United States. Gang members actively recruit members, including juveniles, from communities with a large number of Salvadorian immigrants.

At all relevant times, members of MS-13 from time to time signified their membership by wearing tattoos reading "MARA SALVATRUCHA," "MS," "MS-13," or similar tattoos, often written in gothic lettering. Members also signified their membership through tattoos of devil horns in various places on their bodies. Members sometime avoid conspicuous MS-13 tattoos with discreet ones such as "503," spider webs, three dots in a triangle formation signifying "vida loca," or clown faces with phrases such as "laugh now, cry later." Some MS-13 members have chosen not to have tattoos at all, or to have them placed on areas such as the hairline where they can be easily covered, in order to conceal their gang affiliation from law enforcement.

The gang colors of MS-13 were blue, black and white, and members often wore clothing, particularly sports jerseys, with the number "13" or with numbers that, when added together, totaled 13, such as "76." MS-13 members also wore blue and white clothing to represent their membership, including blue and white shoes such as Nike "Cortez." As with tattoos, some MS-13 members have selected more discreet ways of dressing in order to signify their membership and at the same time avoid detection by law enforcement. MS-13 members referred to one another by their gang names, or monikers, and often did not know fellow gang members except by their gang names.

At all relevant times, members of MS-13 were expected to protect the name, reputation, and status of the gang from rival gang members and other persons. MS-13 members required that all individuals show respect and deference to the gang and its membership. To protect the gang and to enhance its reputation, MS-13 members were expected to use any means necessary to force respect from those who showed disrespect, including acts of intimidation and violence.

At all relevant times, members and associates of MS-13 frequently engaged in criminal activity, including, but not limited to, murder, assault, kidnaping, robbery, extortion, obstruction of justice and threatening, intimidating and retaliating against witnesses, as well as attempts and conspiracies to commit such offenses. MS-13 members were required to commit acts of violence both to maintain membership and discipline within the gang and against rival gangs. Participation in criminal activity by a member, particularly violent acts directed at rival gangs or as directed by the gang leadership, increased the respect accorded to that member, resulted in that member maintaining or increasing his position in the gang, and opened the door to a promotion to a leadership position. One of the principal rules of MS-13 was that its members must attack and kill rivals whenever possible. Rivals are often referred to as “chavalas.” MS-13, in the area of Prince George’s County and Montgomery County, maintain rivalries with the 18th Street Gang, Latin Kings, Adelphi Crew, and the Lewisdale Crew, among others.

At all relevant times, prospective members who sought to join MS-13 were required to complete an initiation process. Individuals who associated with and were friends of the gang were called “paisas.” Individuals who did favors and other acts for the gang were called “paros.” Persons being observed by the gang for potential membership were known as “observations.” Individuals who had advanced to the final level before being “jumped in” were called “chequeos,” or “cheqs.”² Chequeos underwent a probationary period during which they were required to commit crimes on behalf of MS-13 to achieve trust and prove their loyalty to the gang. To join MS-13 and become a full member or “homeboy,” prospective members were required to complete an initiation process, often referred to as being “jumped in” or “beat in” to the gang. During that initiation, other members of MS-13 would beat the new member, usually until a gang member finished counting aloud to the number thirteen, representing the “13” in MS-13.

MS-13 is an international criminal organization, and is organized in Maryland and elsewhere into “cliques,” that is, smaller groups operating in a specific city or region. Cliques operated under the umbrella rules of MS-13. MS-13 cliques often work together cooperatively to engage in criminal activity and to assist one another in avoiding detection by law enforcement. In Maryland and the surrounding area, these cliques included Sailors Locotes Salvatrucha Westside (“Sailors” or “SLSW”), Parkview Locotes Salvatrucha (“PVLS”), Normandie Locotes Salvatruchas (“NLS”), Weedons Locotes Salvatrucha (“WLS”), Peajes Locotes Salvatrucha (“PLS”) and Langley Park Salvatruchas (“LPS”).

MS-13, including its leadership, members and associates, constitute an “enterprise” as defined in Sections 1961(4) and 1959(b)(2) of Title 18, United States Code, that is, a group of individuals associated in fact that engage in, and the activities of which affect, interstate and foreign commerce. The enterprise constitutes an ongoing organization whose members function as a continuing unit for the common purpose of achieving the objectives of the enterprise. The purposes of the enterprise include the following:

² The terms “MS-13 associate” or “associate of MS-13” are used broadly in this Statement of Facts and include persons known as paisas, paros, observations, and chequeos. In addition, the names of the titles for levels or ranks of involvement are constantly changing within MS-13.

1. Preserving and protecting the power, territory and profits of the enterprise through the use of intimidation, violence, including assaults and murder, and threats of violence;
2. Promoting and enhancing the enterprise and its members' and associates' activities;
3. Keeping victims and potential victims in fear of the enterprise and in fear of its members and associates, through violence and threats of violence;
4. Providing financial support and information to gang members, including those who were incarcerated for committing acts of violence or other offenses; and
5. Providing assistance to other gang members who committed crimes for and on behalf of the gang in order to hinder, obstruct and prevent law enforcement officers from identifying the offender, apprehending the offender and trying and punishing the offender.

MS-13, in the District of Maryland and elsewhere, through its members and associates, engaged in racketeering activity as defined in Section 1961(1) of Title 18, United States Code, including multiple acts involving murder, extortion and distribution of controlled substances in violation of federal laws and the laws of the state of Maryland.

From an unknown time but before in or about July 2016, the Defendant, **CARLOS ROBERTO TEJADA-CRUZ** ("**TEJADA-CRUZ**"), was a member and associate of the Sailors clique of MS-13.

In or about 2016, **TEJADA-CRUZ** knowingly and intentionally conspired with other members and associates of MS-13, both in the Sailors clique and other cliques of MS-13, to conduct and participate directly and indirectly in the conduct of the affairs of the enterprise, that is, **TEJADA-CRUZ** agreed with members and associates of the MS-13 gang to engage in a pattern of racketeering activity, including murder, extortion, and distribution of controlled substances, all in order to further the interests of the enterprise. Furthermore, during this same time period, MS-13 gang members in the District of Maryland and elsewhere engaged in said racketeering acts.

Specifically, **TEJADA-CRUZ**, in furtherance of the racketeering conspiracy, participated in the following acts in the District of Maryland:

Murder of Victim-2

On or about July 29, 2016, **TEJADA-CRUZ**, along with other MS-13 members and associates, planned and conspired to murder Victim-2, who **TEJADA-CRUZ** and his co-conspirators believed to be a member of the 18th Street gang. On July 29, 2016, pursuant to the plan to murder Victim-2, other co-conspirators ("**CC-1**" and "**CC-2**") lured Victim-2 to a secluded area in Hyattsville, Prince George's County, Maryland, on the pretext that they were going to obtain and/or smoke marijuana. **CC-1**, **CC-2** and Victim-2 traveled to the secluded location on bicycles. **TEJADA-CRUZ** and another co-conspirator ("**CC-3**") went to the secluded location and **TEJADA-CRUZ** attempted to shoot Victim-2. **TEJADA-CRUZ** and multiple co-

conspirators assaulted and stabbed Victim-2 with the intention of killing him. Victim-2 died as a result of injuries sustained during this attack.

The body of Victim-2 was found by a civilian at the location at approximately 10:00 A.M. on July 30, 2016. According to the autopsy report for this case, Victim-2 died from 61 sharp force injuries, with 45 being "stab" wounds and 16 being "cutting" wounds.

Conspiracy to Commit Robbery

On or about August 9, 2016, in Hyattsville, Maryland, **TEJADA-CRUZ** and other MS-13 members planned to rob Victim-3 and Victim-4 of a pound of marijuana that Victim-3 and Victim-4 were going to sell to co-conspirators of **TEJADA-CRUZ**. **TEJADA-CRUZ** drove his two co-conspirators to meet with Victim-3 and Victim-4. The co-conspirators were armed with a firearm and knife, and entered a vehicle occupied by Victim-3 and Victim-4, under the ruse that they were going to purchase marijuana from Victim-3 and Victim-4. During the robbery attempt by the co-conspirators, Victim-3 and Victim-4 resisted. In the course of a struggle between the co-conspirators and the victims, Victim-3 and Victim-4 were shot, stabbed and sustained serious, permanent and life threatening bodily injuries. The co-conspirators also sustained gunshot wounds. **TEJADA-CRUZ** drove the coconspirators to a hospital and assisted one of the co-conspirators into the hospital for medical treatment. The other co-conspirator eventually drove away, leaving **TEJADA-CRUZ** at the hospital.

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I have read this statement of facts, and have carefully reviewed it with my attorney. I understand it, and I voluntarily agree to it. I acknowledge that it is true and correct and do not wish to change any part of it. I am completely satisfied with the representation of my attorney.

09-11-18
Date


Carlos Roberto Tejada-Cruz

I am Carlos Roberto Tejada-Cruz's attorney. I have carefully reviewed every part of this Statement of Facts with him. To my knowledge, his decision to sign it is an informed and voluntary one.

9/11/18
Date


Dwight E. Crawley, Esq.